

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) Criminal No. 04-30055-MAP
)
)
)
 v.)
)
)
 KACEY JONES)
 Defendant.)

MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by and through its undersigned attorneys hereby files this memorandum. The government has provided a copy to Mark Mastroianni, counsel for Defendant.

1. The Government has provided or made available all of its discoverable information. There are no outstanding discovery requests from the Defendant in this case. The Defendant has not provided any discovery to the government.

2. The parties do not anticipate additional discovery as the result of future receipt of information.

3. The defendants do not intend to raise a defense of insanity or public authority.

4. The government has requested notice of alibi by the defendants and there has been no response by the Defendant.

5. The Defendant has not yet filed but may file, a motion to dismiss, or suppress, or other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

6. The parties request this Court to set a date for Defendant's motion to suppress to be filed.

7. The parties are not currently engaging in plea negotiations.

8. The parties agree that there are periods of excludable delay. The parties agree that the time from April 13, 2005, the date of the initial status, until the present should be excluded pursuant to both the Defendant's and the government's discovery requests.

Therefore, as of the day of the Status Conference on May 18, 2005, no time has run on the Speedy Trial clock.

9. In the event that a trial is necessary the trial will last approximately 3 days.

10. A date convenient with the Court should be established for Pretrial Conference.

Filed this 18TH day of May, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Paul Hart Smyth
PAUL HART SMYTH
Assistant United States Attorney

Mark Mastroianni, Esquire
Counsel for Defendant
On behalf of Defendant

